IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3558 OF 2005

Sou.Kalawati Raghunath Thorat. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri R.S.Kate for the Applicant.

Shri K.V.Saste, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 4th July, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. Offence has been registered against the Applicant and others under sections 302, 498A read with section 34 of the Indian Penal Code. The Applicant is the mother-in-law of the deceased.

2. Reliance is placed by the Applicant on the statement of witness Arun Anant Nikam who has stated that when he went near the house in which the deceased was residing he found that the same was closed from inside and husband of the deceased was trying to open the door of the house by banging stones and when the door was opened he saw that the body of the deceased was burning and he along with the husband of the deceased extinguished the fire. The said witness is the son of the Applicant's brother.

3. As against this there is a dying declaration of the deceased recorded after certification by the Medical officer of the Civil Hospital in which deceased has stated that when she was heating the water for the purpose of bath, the Applicant poured kerosene on her person from a can and as she was sitting near the fire, saree on her person caught fire. The case papers of the concerned Government Hospital show that the Doctor has recorded that at the time of admission of the deceased in the Hospital she was conscious and oriented. The dying declaration bears the certificate of the Medical Officer to the effect that at that time the patient was conscious and oriented and she was in a position to make a statement. Arun whose statement has relied upon by the Applicant is a witness who is related to the Applicant. The dying declaration is sufficient at this stage to indicate complicity of the Applicant in a brutal offence. In my view considering the gravity of the offence and the role allegedly played by the Applicant no case is made out for enlarging the Applicant on bail. The Applicant is rejected.

4. In the event fast track Court is available, the learned Sessions Judge will assign the matter to the fast track Court to ensure speedy disposal of the case.

Judge.